

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

GARY SHAWN NICHOLSON,	)	
	)	
Petitioner,	)	
v.	)	Case No. CIV-11-1286-R
	)	
JUSTIN RUDEK, WARDEN,	)	
	)	
Respondent.	)	

**ORDER  
FOR RESPONSE TO PETITION FOR WRIT OF HABEAS  
CORPUS BY A PERSON IN STATE CUSTODY**

After examination of the petition for a writ of habeas corpus filed by the above-named Petitioner,

IT IS ORDERED THAT:

1. Respondent shall file an answer or other response to the allegations of the petition within 30 days from the date of this Order. The response should present:

- (a) whether the petition was timely filed pursuant to 28 U.S.C. §2244(d);
- (b) whether Petitioner has exhausted the state remedies, including any post-conviction remedies, available to Petitioner under the statutes or procedural rules of the State, and including also Petitioner's right to appeal both from the judgment of conviction and from any adverse judgment or order in any post-conviction proceeding;
- (c) whether an evidentiary hearing is required as to the grounds alleged; and
- (d) an analysis of each of the grounds for relief alleged in the petition and any cases and supporting documents relied upon by Respondent in opposition to those grounds.

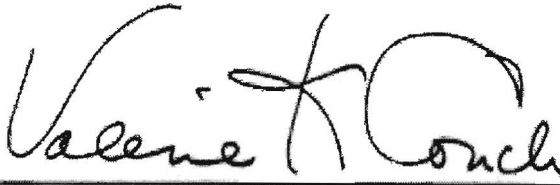
2. If Petitioner appealed from the judgment of conviction or from an adverse judgment or order in a post-conviction proceeding, a copy of Petitioner's brief on appeal and of the opinion of the appellate court, if any, shall also be filed by Respondent with the response.

3. The answer shall indicate what transcripts (of pretrial, trial, sentencing, and post-conviction proceedings) are available, when they can be furnished, and also what proceedings have

been recorded and not transcribed. **Respondent shall attach to the answer such portions of the transcripts as are relevant to the claims and defenses raised in this action.**

4. The Clerk is directed to transmit by electronic mail the Petition for Writ of Habeas Corpus, along with this Order, to the Attorney General of the State of Oklahoma on behalf of Respondent.

DATED this 18<sup>th</sup> day of August, 2011.

A handwritten signature in black ink, reading "Valerie K. Couch". The signature is written in a cursive, flowing style. The first name "Valerie" is written in a standard cursive script. The middle initial "K" is written as a large, stylized capital letter. The last name "Couch" is also written in cursive, with a prominent "C" and a trailing flourish.

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VALERIE K. COUCH  
UNITED STATES MAGISTRATE JUDGE